

Senate File 391 - Introduced

SENATE FILE 391

BY QUIRMBACH

A BILL FOR

1 An Act relating to independent private instruction and to
2 funding for the home school assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 257.6, subsection 1, paragraph a,
 2 subparagraph (5), Code 2017, is amended to read as follows:
 3 (5) Resident pupils receiving competent private instruction
 4 from a licensed practitioner provided through a public
 5 school district pursuant to [chapter 299A](#) shall be counted as
 6 ~~three-tenths~~ four-tenths of one pupil. Revenues received by
 7 a school district attributed to a school district's weighted
 8 enrollment pursuant to this subparagraph shall be expended
 9 for the purpose for which the weighting was assigned under
 10 this subparagraph. If the school district determines that
 11 the expenditures associated with providing competent private
 12 instruction pursuant to [chapter 299A](#) are in excess of the
 13 revenue attributed to the school district's weighted enrollment
 14 for such instruction in accordance with this subparagraph,
 15 the school district may submit a request to the school budget
 16 review committee for a modified supplemental amount in
 17 accordance with [section 257.31, subsection 5](#), paragraph "n".
 18 A home school assistance program shall not provide moneys
 19 received pursuant to this subparagraph, nor resources paid
 20 for with moneys received pursuant to this subparagraph, to
 21 parents or students utilizing the program. Moneys received by
 22 a school district pursuant to this subparagraph shall be used
 23 as provided in [section 299A.12](#).

24 Sec. 2. Section 299.4, subsection 1, Code 2017, is amended
 25 to read as follows:

26 1. The parent, guardian, or legal custodian of a child
 27 who is of compulsory attendance age, who places the child
 28 under competent private instruction under [section 299A.2](#) or
 29 in independent private instruction under chapter 299A, not
 30 in an accredited school or a home school assistance program
 31 operated by a school district or accredited nonpublic school,
 32 shall furnish a report ~~in duplicate on forms provided by to~~
 33 the public school district, to in the manner specified by the
 34 district, by September 1 of the school year in which the child
 35 will be under competent private instruction or in independent

1 private instruction. The secretary shall retain and file ~~one~~
 2 ~~copy the report~~ and forward ~~the other~~ a copy to the district's
 3 area education agency. The report shall state the name and
 4 age of the child, the period of time during which the child
 5 has been or will be under competent private instruction or
 6 in independent private instruction for the year, an outline
 7 of the course of study, texts used, and the name and address
 8 of the instructor. The parent, guardian, or legal custodian
 9 of a child, who is placing the child under competent private
 10 instruction or in independent private instruction for the first
 11 time, shall also provide the district with evidence that the
 12 child has had the immunizations required under [section 139A.8](#),
 13 and, if the child is elementary school age, a blood lead test
 14 in accordance with [section 135.105D](#). The term "*outline of*
 15 *course of study*" shall include subjects covered, lesson plans,
 16 and time spent on the areas of study.

17 Sec. 3. Section 299A.4, subsections 1, 2, 3, and 4, Code
 18 2017, are amended to read as follows:

19 1. Each child of compulsory attendance age who is
 20 receiving competent private instruction or independent private
 21 instruction shall either be evaluated annually by May 1, using
 22 a nationally recognized standardized achievement evaluation or
 23 other assessment tool developed or recognized by the department
 24 of education and chosen by the child's parent, guardian,
 25 or legal custodian from a list of approved evaluations or
 26 assessment tools provided by the department of education or
 27 be evaluated annually in the manner provided in subsection
 28 7. The department shall provide information on the cost of
 29 and the administration time required for each of the approved
 30 evaluations. The department shall provide, as part of approval
 31 procedures for evaluations to be used under [this section](#), a
 32 mechanism which permits the introduction and approval of new
 33 or alternate methods of educational assessment which meet the
 34 requirements of [this chapter](#).

35 2. A child, who is seven years of age and is receiving

1 competent private instruction or independent private
 2 instruction or who is placed under ~~competent private~~ such
 3 instruction for the first time, shall be administered an
 4 evaluation for purposes of obtaining educational baseline data.

5 3. The director of the department of education, or the
 6 director's designee, which may include a school district or an
 7 area education agency, shall conduct the evaluations required
 8 under subsections 1 and 2 for children under competent private
 9 instruction or independent private instruction. Evaluation
 10 shall occur at a time and a place to be determined by the person
 11 responsible for conducting the evaluation. Persons conducting
 12 the evaluations shall make every reasonable effort to conduct
 13 the evaluations at times and places which are convenient either
 14 for the parent, guardian, or legal custodian if the child is
 15 receiving competent private instruction, or for the authority
 16 responsible for the independent private instruction if the
 17 child is receiving independent private instruction.

18 4. The parent, guardian, or legal custodian of a child
 19 receiving competent private instruction or independent private
 20 instruction may be present when the child is evaluated,
 21 but only if both the parent, guardian, or legal custodian
 22 and the child are under the supervision of the evaluation
 23 administrator. The authority responsible for the independent
 24 private instruction may also be present when the child
 25 receiving independent private instruction is evaluated, but
 26 only if the persons present are all under the supervision of
 27 the evaluation administrator.

28 Sec. 4. Section 299A.4, subsection 7, paragraph a,
 29 subparagraph (3), Code 2017, is amended to read as follows:

30 (3) Completed assessment evaluations, other than the
 31 annual achievement evaluation, if assessment evaluations are
 32 administered to a pupil as part of the competent private
 33 instruction by the parent, guardian, or legal custodian or
 34 as part of independent private instruction by the authority
 35 responsible for the independent private instruction.

1 Sec. 5. Section 299A.5, Code 2017, is amended to read as
2 follows:

3 **299A.5 Reporting of evaluation results.**

4 1. The results of evaluations administered to children
5 of compulsory attendance age ~~who are under~~ sections 299A.3,
6 299A.4, and 299A.9 shall be reported to the following:
7 a. For children receiving competent private instruction
8 or independent private instruction, the evaluation shall be
9 reported by the evaluation administrator to the child's parent,
10 guardian, or legal custodian, ~~the~~ and for children receiving
11 independent private instruction, to the authority responsible
12 for providing the independent private instruction.
13 b. The school district of residence of the child, ~~and the.~~
14 c. The department of education.

15 2. Personally identifiable information relating to or
16 contained in the evaluation scores is confidential and shall
17 not be released without the prior consent of the child's
18 parent, guardian, or custodian except as otherwise permitted
19 by law.

20 Sec. 6. Section 299A.6, Code 2017, is amended to read as
21 follows:

22 **299A.6 Failure to make adequate progress.**

23 1. If the results of evaluations, administered to a child
24 of compulsory attendance age who is under competent private
25 instruction or receiving independent private instruction,
26 indicate that the ~~student~~ child has failed to make adequate
27 progress, the parent, guardian, or legal custodian shall
28 cause the child to attend an accredited public or nonpublic
29 school at the beginning of the next school year unless, before
30 the beginning of the next school year, the child retakes a
31 different form of the same evaluation, or another evaluation
32 from the approved list of tests or assessment tools recognized
33 by the department of education, and the results indicate that
34 adequate progress has been made, the child has demonstrated
35 adequate performance in the opinion of an evaluator and

1 documented in a report under section 299A.4, subsection 7, or
2 the director of the department of education, or the director's
3 designee, grants approval for competent private instruction or
4 independent private instruction to continue under a plan for
5 remediation.

6 2. A child who is required to attend an accredited public or
7 nonpublic school under this section shall continue attendance
8 at an accredited public or nonpublic school until the child
9 achieves adequate progress.

10 3. For purposes of this chapter, "*adequate progress*"
11 means, for children in all grade levels of competent private
12 instruction or independent private instruction, evaluation
13 scores which are above the thirtieth percentile, nationally
14 normed, in each of the areas of reading, mathematics, and
15 language arts, and which indicate either that the child has
16 made six months' progress from the previous evaluation results
17 or that the child is at or above grade level for the child's
18 age. For children in grade levels six and above, "*adequate*
19 *progress*" also means that the child has achieved evaluation
20 scores in both science and social studies which are above the
21 thirtieth percentile, nationally normed, and which either
22 indicate that the child has made six months' progress from the
23 previous evaluation results or that the child is at or above
24 grade level for the child's age.

25 Sec. 7. Section 299A.7, Code 2017, is amended to read as
26 follows:

27 **299A.7 Notice to parents — remediation.**

28 If a child is placed under competent private instruction
29 or is receiving independent private instruction and the
30 child fails to make adequate progress ~~under competent private~~
31 ~~instruction~~, the director of the department of education, or
32 the director's designee, shall notify the parent, guardian,
33 or custodian of the child that the child is required to
34 attend an accredited public or nonpublic school, unless
35 approval for competent private instruction or independent

1 private instruction under a remediation plan is granted. The
 2 director, or the director's designee, may provisionally approve
 3 continued competent private instruction or independent private
 4 instruction under an approved remediation plan designed to
 5 improve instruction for up to one year.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
 8 the explanation's substance by the members of the general assembly.

9 This bill establishes reporting and assessment requirements
 10 for independent private instruction and increases the weighting
 11 from 0.3 to 0.4 of one pupil for resident pupils receiving
 12 competent private instruction from a licensed practitioner who
 13 are enrolled in a school district and receiving services under
 14 the school district's home school assistance program.

15 The parent, guardian, or legal custodian of a child who
 16 places the child in independent private instruction must
 17 furnish a report to the public school district by September 1
 18 stating the child's name and age, the period of time the child
 19 has been or will be in independent private instruction for the
 20 year, an outline of the course of study, including subjects
 21 covered, lesson plans, time spent, texts used, and the name
 22 and address of the instructor; and shall also provide the
 23 district with evidence that the child has had the required
 24 immunizations, and, if the child is elementary school age, a
 25 blood lead test.

26 A child in independent private instruction must be
 27 evaluated for purposes of obtaining educational baseline
 28 data at age seven and annually by May 1 using a nationally
 29 recognized standardized achievement evaluation or other
 30 department-approved assessment tool. Persons conducting the
 31 evaluations must make every reasonable effort to conduct the
 32 evaluations at times and places which are convenient for the
 33 authority responsible for the independent private instruction.
 34 The parent, guardian, or legal custodian of the child and
 35 the independent private instruction authority may be present

1 when the child is evaluated. Currently, the Code allows
2 the submission of alternatives to the annual achievement
3 evaluations.

4 The evaluation results must be reported to the parent,
5 guardian, or legal custodian, and to the authority responsible
6 for providing the independent private instruction. If
7 the results indicate the child has failed to make adequate
8 progress, the parent, guardian, or legal custodian must either
9 enroll the child in an accredited public or nonpublic school
10 at the beginning of the next school year or retest the child.
11 If the results of the retest show adequate progress, the child
12 may continue independent private instruction under a plan
13 for remediation. Otherwise, the child must continue in an
14 accredited school until achieving adequate progress.